

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**Later Filed Case**

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In re:

EASTMAN KODAK COMPANY, *et al.*,<sup>1</sup>

Reorganized Debtors.

)  
)  
) Bankruptcy Case No. 12-10202  
) (ALG)  
)

RICOH COMPANY, LTD. and  
RICOH AMERICAS CORPORATION,

Plaintiffs,

v.

EASTMAN KODAK COMPANY,

Defendant.

)  
)  
) Adv. Proc. No. 13-1332 (ALG)  
)  
)

) Civil Case No. 14 Civ. 2952  
)  
)

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RICOH COMPANY, LTD. and  
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v.

EASTMAN KODAK COMPANY,

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)  
)  
) Adv. Proc. No. 13-1332 (ALG)  
)  
)

) Civil Case No. 13 Civ. 2808 (DLC)  
)  
)

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<sup>1</sup> The Reorganized Debtors in these chapter 11 cases, along with the last four digits of each Reorganized Debtor's federal tax identification number, are: Eastman Kodak Company (7150); Creo Manufacturing America LLC (4412); Eastman Kodak International Capital Company, Inc. (2341); Far East Development Ltd. (2300); FPC Inc. (9183); Kodak (Near East), Inc. (7936); Kodak Americas, Ltd. (6256); Kodak Aviation Leasing LLC (5224); Kodak Imaging Network, Inc. (4107); Kodak Philippines, Ltd. (7862); Kodak Portuguesa Limited (9171); Kodak Realty, Inc. (2045); Laser-Pacific Media Corporation (4617); NPEC Inc. (5677); Pakon, Inc. (3462); and Qualex Inc. (6019). The location of the Reorganized Debtors' corporate headquarters is: 343 State Street, Rochester, NY 14650.

**RELATED CASE STATEMENT**

**Status of Earlier Filed Case:**

The earlier filed case remains open. On May 24, 2013, the Hon. Denise L. Cote denied, “without prejudice to renewal,” a motion to withdraw the reference filed by Ricoh Company, Ltd. and Ricoh Americas Corporation (together, “**Ricoh**”) in the above-captioned adversary proceeding. *See Ricoh Co., Ltd. v. Eastman Kodak Co. (In re Eastman Kodak)* No. 13 Civ. 2808 (DLC) (S.D.N.Y.) [Docket No. 3] (the “**Earlier Filed Motion to Withdraw**”).

**Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case:**

The earlier filed case and this case are both motions to withdraw the reference from the bankruptcy court of the same adversary proceeding and complaint asserting patent infringement claims. Rule 13 of this Court’s Rules for the Division of Business Among District Judges states that “[m]otions to withdraw the bankruptcy reference are deemed related if they seek withdrawal with respect to all or part(s) of the same adversary proceeding.” On April 26, 2013, Ricoh sought to withdraw the reference of this adversary proceeding—precisely the same issue raised in Kodak’s current motion to withdraw the reference. Accordingly, the current motion to withdraw the reference filed by Eastman Kodak Company (“**Kodak**”) is related to the Earlier Motion to Withdraw.

Moreover, under Rule 13, “[i]n determining relatedness, a judge will consider whether (A) the actions concern the same or substantially similar parties, property, transactions or events; (B) there is substantial factual overlap; (C) the parties could be subjected to conflicting orders; and (D) whether absent a determination of relatedness there would be a substantial duplication of effort and expense, delay, or undue burden on the Court, parties or witnesses.”

The parties, patents at issue, and underlying facts in this adversary proceeding and complaint are

identical to those raised in the Earlier Motion to Withdraw. While Judge Cote did not reach the merits of the Earlier Filed Motion to Withdraw, the Court is familiar with the issues raised and has previously considered the parties' briefing, which will advance the efficient resolution of the motion.

The parties are also before Judge Cote in a breach of contract matter, *Eastman Kodak v. Ricoh Company, Ltd.*, 12 Civ. 3109 (DLC) (S.D.N.Y.), where Ricoh has a pending motion to reduce the judgment in favor of Kodak that is currently on appeal to the Second Circuit Court of Appeals.

Dated: April 30, 2014  
New York, New York

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